REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1-6, 8-15, 17-20, 22-26 and 28-33 are pending. Claims 1-6, 8-15, 17-20, 22-26 and 28-33 stand rejected. In this response, claims 1, 5, 8, 10, 12, 17, 22, 28 and 32 have been amended. No new claims have been added. No claims have been canceled. Thus, claims 1-6, 8-15, 17-20, 22-26 and 28-33 remain pending. Support for the amendments can be found throughout the specifications as filed. No new matter has been added. Applicant reserves all rights with respect to the applicability of the Doctrine of Equivalents.

Objections

Objections to the Claims

Claims **1-6,17-20, 22-26 and 28-33**

Claims 1-6, 17-20, 22-26 and 28-33 are objected to because of informalities. Claims 1, 5, 12, 17, 22 and 28 have been amended including replacing the phrase "the portion" as "the first portion". In view of foregoing amendments, it is respectfully submitted that the informalities have been corrected. Withdrawal of the objection is respectfully requested.

Rejections

Rejections under 35 U.S.C. § 101
Claims **28-33**

Claims 28-33 stand rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. Independent claim 28 has been amended as suggested in the Office Action. In view of the foregoing amendments, Applicant respectfully submits that the rejection is now moot. Withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

<u>Claims **1-3, 6, 8, 11, 13, 15, 17-20, 22-24, 26, 28-30 and 33**</u>

Claims 1-3, 6, 8, 11, 13, 15, 17-20, 22-24, 26, 28-30 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keiko Abe, US Patent No. 6,714,216 (hereinafter "Abe") in view of Ellis et al., US Patent Application Publication No. US2003/0149988 (hereinafter "Ellis"), and further in view of Kazushi Yoda, US Patent No. 6,593,946 (hereinafter "Yoda"). However, Applicant respectfully submits that applicant's claims 1-3, 6, 8, 11, 13, 15, 17-20, 22-24, 26, 28-30 and 33, as amended, are patentable over the cited references.

Specifically, for example, independent claim 1, as amended, includes the limitations:

> "<u>capturing the time based stream of information into a storage based on a transfer rate for a period of time;</u>
> <u>playing the time based stream of information from the storage based on the transfer rate subsequent to the period of time;</u>
> <u>partitioning a first portion and a second portion of the time based stream of information based on the playing,</u> the first portion being stored in a first part of the storage, the second portion being stored in a second part of the storage, the first portion being captured into the first part during a first time period of the period of time, the second portion being captured into the second part during a second time period of the period of time, and <u>the first time period being of different length than the second time period;</u>
> selecting the first portion of the time based stream of information;
> receiving a user deletion command; and
> <u>moving at least a portion of the time based stream of information from the second part of the storage to the first part of the storage for deleting the first portion from the storage, without examining storage capacity state,</u> in response to the user deletion command such that the first portion is no longer stored on the storage and is thereby destructively edited"
> (emphasis added)

Applicant's amended claim 1 includes the limitations of moving a second portion of a time based stream of information stored in a second part of a storage to a first part of the storage storing a first portion of the time based stream of information for deleting the first portion of the time based stream of information from the storage, wherein the first portion of the time based stream of information being captured into the first part of the storage based on a

transfer rate for a first period of time, wherein the second portion of the time based stream of information being captured into the second part of the storage based on the transfer rate for a second period of time, and wherein the first period of time and the second period of time being of different length. It is respectfully submitted that Abe, Ellis or Yoda, individually or in combination, fail to disclose or suggest the noted limitations.

Rather, Abe describes a video editing method to perform an editing operation rapidly and efficiently for setting an editing point of a video sequence or a video clip (Abe, col. 2, lines 35-38). Abe also discloses an external storage apparatus storing video data files and audio data files (Abe, Fig 12, col. 6 lines 20-66). An image process in Abe produces display video data based on data files read out from the external storage apparatus and sends out the display video data to a video random access memory (Abe, Fig. 12, col. 7 lines 52-61). Additionally, Abe teaches a clip deletion mode to control the external storage apparatus and the image processor to delete designated video clip and audio clip, thereby deleting corresponding cursors in a video browser window and the frameworks of the corresponding video clip and audio clip in a time line window (Abe, Fig. 12, col. 17, lines 18-31). However, nowhere does Abe disclose or suggest moving a second portion of a time based stream of information stored in a second part of a storage to a first part of the storage storing a first portion of the time based stream of information for deleting the first portion of the time base information from the storage.

Ellis, on the other hand, teaches an interactive television program guide system providing users with an opportunity to select programs for recording on a remote media server or a local media server using VCR like control over programs that are played back from the media servers and over real-time cached copies of the programs (Ellis, ABSTRACT). Ellis also discloses a media server issues a delete command to a storage device to delete a selected program from its media store and update media directories and user directory (Ellis, [0168]). In addition, Ellis describes media servers automatically delete portions of a program that is being real-time cached (Ellis, [0169]). However, nowhere does Ellis disclose or suggest moving a second portion of a time based stream of information stored in a second part of a storage to a first part of the storage storing a first portion of the time based stream of information for deleting the first portion of the time base information from the storage.

Yoda, however, teaches a method of controlling a terminal device which receives display information from a host device and displays the display information on a screen to display the newest display information in a predetermined area of the screen and display previous display information once displayed as the newest display information in a remaining area of the screen (Yoda, Abstract). Yoda describes a screen buffer storing display information currently displayed by a data-display unit (Yoda, col. 1, lines 31-33). Yoda also provides a previous screen storage unit including a first previous-screen storage area, a second previous-screen storage area, and a third previous-screen storage area (Yoda, col. 9, lines 55-64). According to Yoda, in response to an erase-write command, when new display information is to be stored in the screen buffer, display information stored in the third previous-screen storage area is erased; display information stored in the second previous-screen storage area is transferred to the third previous-screen storage area; display information stored in the first previous-screen storage area is transferred to the second previous-screen storage area; and what is stored in the screen buffer before rewriting the screen buffer is stored in the first previous-screen storage area (Yoda, col. 9, line 45 – col. 10 line 3).

Yoda's screen buffer captures <u>currently displayed</u> information from a data-display. Clearly, a screen capture only records what is displayed on the screen at the moment of capturing. Thus, Yoda's screen storage area does not store a time based stream of information captured <u>for a period of time</u>. Nowhere does Yoda disclose or suggest moving a second portion of a time based stream of information stored in a second part of a storage to a first part of the storage storing a first portion of the time based stream of information for deleting the first portion of the time based stream of information from the storage, wherein the first portion of the time based stream of information being captured into the first part of the storage based on a transfer rate for a first period of time, wherein the second portion of the time based stream of information being captured into the second part of the storage based on the transfer rate for a second period of time.

Furthermore, Abe is related to video editing apparatus and method wherein an editing point is set for a plurality of video sequences imaged from multiple angles with the same time frame (Abe, col. 1, lines 6-14). Ellis, on the other hand, is related to interactive television program guide systems that allow users to record programs and program guide data on a media server. Yoda, however, is related to the controlling of a terminal device whereby the

terminal device displays results of processing that is performed by a host device (Yoda, col. 1, lines 11-14). Clearly, an interactive television program guide system, a video editing apparatus and a method for terminal device controlling belong to completely different arts requiring quite differing approaches. There is neither suggestion nor motivation to combine Abe, Ellis and Yoda.

Moreover, Yoda's display buffer stores the display information <u>currently displayed</u> by the data-display unit to the display device (Yoda, col. 9, lines 30-34). Thus, Yoda's screen buffer stores display information played (displayed) <u>currently at one point in time</u>. Additionally, Yoda' display information stored in the third previous-screen storage area is transferred from the second previous-screen storage area, which stores display information transferred from the first previous-screen storage area, which in turn receives a transfer of the display information from the screen buffer. Clearly, each of Yoda's storage area stores a copy of the display information from <u>the same screen buffer</u> which stores display information for <u>the same data-display unit currently at some point in time</u>. In contrast, the above noted limitations include a first part of storage storing a first portion of a stream captured/played during a first time period of a <u>different length than</u> the second time period to capture/play a second portion of the stream into a second part of storage. Therefore, Yoda teaches away from the above noted limitations of claim 1, as amended.

In addition, Yoda explicitly states to make a check as to whether the number of screen images of stored display information is going to exceed a maximum number of storable images of the previous-screen storage unit when current display information is to be stored (Yoda, col. 11, lines 60-65). In contrast, claim 1, as amended, includes the limitation of "moving a portion of time based stream of information without examining storage capacity state". Thus, Yoda further teaches away from the limitations of claim 1, as amended.

As such, not only do Abe, Ellis and Yoda not disclose, individually or in combination, the above noted limitations, but the references, considered as a whole, do not suggest the desirability and thus the obviousness of making the combination. It would be impermissible hindsight to combine Abe with Ellis and Yoda based on Applicant's own disclosure.

Even if they were combined, such combination still lacks the limitations of moving a second portion of a time based stream of information captured with a transfer rate during a

second time period of a period of time into a second part of a storage to a first part of the storage storing a first portion of the time based stream of information captured during a first time period of the period of time, the first time period longer than the second time period, according to partitioning the first part and the second part of the time based stream of information based on playing the time based stream of information from the storage with the same transfer rate subsequent to the time period for deleting the first portion of the storage from the storage as selected in association with a deletion command.

Therefore, Applicant respectfully submits that claim 1, as amended, is patentable over Abe in view of Ellis and in further view of Yoda under U.S.C. §103(a). Independent claims 8, 17, 22 and 28, as amended, include limitations similar to those discussed above. Therefore, for at least the reasons similar to those discussed above, Applicant respectfully submits that claims 8, 17, 22 and 28, as amended, are patentable over Abe in view of Ellis and in further view of Yoda under U.S.C. §103(a).

Given that claims 2-3, 6, 11, 13, 15, 18-20, 23-24, 26, 29-30 and 33, as amended, depend from and include all limitations of one of independent claims 1, 8, 17, 22 and 28, as amended, Applicant respectfully submits that claims 2-3, 6, 11, 13, 15, 18-20, 23-24, 26, 29-30 and 33, as amended, are patentable over Abe in view of Ellis and in further view of Yoda under 35 U.S.C. §103(a).

CONCLUSION

In view of the foregoing, applicant respectfully submits that all applicable objections and rejections have been overcome.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

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